IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE

CRIMINAL REVISION APPLICATION NO. 273 OF 1998

Maruti Balkisan Zol. ... Applicant.

V/s.

Satish Abasaheb Kanhere
and others. ... Respondents.

R.S.Kate for the applicant.

S.S.Pednekar, APP for the State.

CORAM: V.C.DAGA, J.

DATED: 3rd July 2007.

P.C.:

. Heard learned counsel for the applicant and learned A.P.P. for the State.

2. Perused revision application and impugned order dated 5th August, 1998 passed by the Second Additional Sessions Judge, Solapur whereby accused Nos.1 to 6 came to be acquitted in respect of offences punishable under sections 302, 323, 324 read with sections 147, 148 and 149 of Indian Penal Code.

3. I was taken through the text of the impugned judgment together with evidence of the respective witnesses. The evidence given by each and every witness witnesses has been appreciated by the learned

Sessions Judge and after appreciation of the evidence in the light of the circumstances available on record, he came to the conclusion that accused Nos.1 to 6 were entitled to claim acquittal. By no stretch of imagination it can be said that appreciation of evidence is either perverse or any relevant evidence has been excluded from consideration. At the same time, it cannot be said that any irrelevant material is taken in to consideration to acquit the accused. This Court not being a court of appeal is not expected to reappreciate the evidence once again unless the appreciation of evidence is found to be perverse. As already indicated hereinabove, the appreciation of evidence done by the Court below cannot be faulted. The view taken on the material available on record is a reasonable and possible view. Hence no case is made out to interfere with this revision.

4. Revision application is dismissed with no order as to costs.

JUDGE